

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

V.

DOCKET NO. 15-CR-00077-JL

JUAN PICHARDO MENDEZ

ASSENTED TO MOTION TO CONTINUE

NOW COMES the accused, Juan Pichardo Mendez, by and through counsel, Paul J. Garrity, and hereby moves this Court to continue his December 8, 2015 Trial for 90 days.

In support of this Motion the accused states as follows:

1. The accused is scheduled for a Trial on December 8, 2015.
2. On November 24, 2015, subsequent to the hearing on the status of counsel, the Government informed the accused counsel that additional information had been developed in the form of toll records relating to a phone purportedly utilized by the accused. Those records have not yet been received by the accused. In addition, based on statements made by the Government at the November 24, 2015 hearing relating to the Government's lab analyst and the method of analysis utilized the accused's counsel intends to interview the Government's lab analyst, an interview the Government has informed the accused's counsel can and will take place. Once this interview takes place, the information gleaned from that interview will be forwarded to the accused's expert, Dr. David Benjamin, for his review. Given the importance of these issues to the accused's case and the short time between today's date and the scheduled December 8, 2015 Trial, the accused submits that Continuing the

December 8, 2015 Trial would provide him with the additional time necessary to properly prepare for his Trial.

3. Moreover, the information gleaned from the anticipated interview of the Government's lab analyst and Dr. Benjamin's corresponding response to that information could facilitate ongoing negotiations between the accused and the Government. Continuing the December 8, 2015 Trial would provide both Parties with the necessary time to obtain this additional information and to further negotiate a potential resolution of the case.
4. The basis for the ninety (90) day Continuance request is that if the case does proceed to Trial both Parties anticipate that the Trial will take longer than a week. The undersigned counsel is currently scheduled for Jury Selection on January 4, 2016 in State v. S. Tokanel in the Rockingham County Superior Court and Jury Selection on January 11, 2016 in a drug enterprise leader case in the Hillsborough County Superior Court Northern District in the case of State v. J. Rosario. In addition, the accused counsel is scheduled for a full day suppression hearing on a murder case in Hillsborough Superior Court Southern District on January 22, 2016 in the case of State v. K. Marin. Also, the accused counsel will be on vacation January 25, 2016 through January 28, 2016. The accused is also scheduled for Jury Selection on February 8, 2016 in Rockingham County Superior Court in the case of State v. M. Phillips. The accused's counsel is scheduled to be out of the country with his family from February 20, 2016 through February 28, 2016.
5. The Government assents to this Motion.

WHEREFORE, the accused respectfully requests that his Motion be granted and that his December 8, 2015 Trial be Continued for ninety (90) days.

Respectfully submitted,
Juan Pichardo Mendez,
By His Attorney,

DATE: November 25, 2015

/s/ Paul J. Garrity
Paul J. Garrity
Bar #905
14 Londonderry Road
Londonderry, NH 03053
603-434-4106

CERTIFICATE OF SERVICE

I, Paul J. Garrity, hereby certify that on this 25th day of November, 2015 a copy of the within Assented Motion to Continue has be e-filed to the Assistant United States Attorney, Mark Zuckerman, and all parties of record and mailed, postage prepaid, to Juan Pichardo Mendez.

/s/ Paul J. Garrity